

EXHIBIT 4

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A. SINGH

August 2020.

A. Okay? We still have to give the money -- I cannot close the company -- because we owe money to the SBA.

MR. WALIA: By counsel, 8 Jerusalem Avenue would be part of the expansion; he previously testified he vacated that in February or March 2021. Furthermore --

MR. KADOCHNIKOV: Correct.

I stand corrected.

MR. WALIA: Furthermore, the leeway in this line of questioning I have given you, if you can look at your own complaint that you filed and the allegations contained in that complaint, this has nothing to do with what occurred almost eight months prior when your client left.

If anything, this is by and between the SBA and this witness and whoever else took that loan; so I'm not sure, what, if anything, you are asking.

1 A. SINGH

2 MR. KADOCHNIKOV: Counsel,
3 that's your argument.

4 MR. WALIA: Well, you can
5 enlighten me on what you're looking
6 at. Your complaint and the causes of
7 action contained in there, what this
8 SBA loan -- which was taken almost
9 eight months after your client
10 left -- has anything to do with the
11 litigation you filed?

12 MR. KADOCHNIKOV: That would be
13 breach of fiduciary duty.

14 MR. WALIA: A breach of
15 fiduciary duty?

16 MR. KADOCHNIKOV: Yes.

17 MR. WALIA: All right, okay?

18 But that breach of fiduciary
19 duty, did not concern your client in
20 any way. It happened eight months
21 after the fact.

22 MR. KADOCHNIKOV: That's your
23 argument.

24 MR. WALIA: All right.

25 If there was any such breach of

1 A. SINGH

2 fiduciary duty, the loan, as he said,
3 has to be repaid.

4 Q. All right. So which bank
5 accounts was this check, check number 1675,
6 deposited in to?

7 A. What do you mean?

8 The name of the bank?

9 The company?

10 I said I have given you these
11 names, three times.

12 Q. Let's start with the name of
13 the bank.

14 A. Bank of America.

15 Q. Okay. Bank of America.

16 And it belongs to Bros -- what
17 was the name of the company -- Bros Chicken
18 and Rice?

19 A. It doesn't belong to Bros
20 Chicken and Rice. It's a loan. Is does
21 not belong -- it only belongs to --

22 Q. I'm talking about the account,
23 Mr. Singh, who does the account belong to?

24 A. The account belongs to Bros
25 Chicken and Rice.

I
Pratik Patel

And Rice Company?

A Sometimes I was participating, too,
when they're not available.

Q About how many times did you purchase
the food inventory for Halal Chicken And Rice
Company during your tenure over there?

A I would say every month. I would say
once a week or sometimes twice a week.

Q Where would you purchase that food
inventory from?

A Different locations and Restaurant
Depot.

Q What other locations besides
Restaurant Depot would you purchase the food
inventory from?

A I don't remember.

Q Was it Maharana?

A Yes. Sometimes it was Maharana.

Q When you purchased the food inventory
for Halal Chicken And Rice Company, how would you
pay for it?

A With the card.

Q What kind of card?

A It was a debit card, the company's

I

- (1) **Pratik Patel**
- (2) **debit card.**
- (3) Q You had access to the company debit
- (4) card during the time that you worked at Halal
- (5) Chicken And Rice Company from December 2017 to
- (6) December of 2019; is that correct?
- (7) A **Yes, sir.**
- (8) Q You knew the PIN number for that
- (9) debit card; is that correct?
- (10) A **Yes.**
- (11) Q Did you make any purchases for the
- (12) food inventory by check?
- (13) A **Food inventory by check, yes.**
- (14) Q You had access to the checking
- (15) account during the time that you worked at Halal
- (16) Chicken And Rice Company from December 2017 to
- (17) December 2019?
- (18) A **I did not. I was writing the checks.**
- (19) **I did not have access to checking account like as I**
- (20) **can see a bank balance or anything, but I was**
- (21) **authorized to write a check.**
- (22) Q The checks which you were writing,
- (23) which bank were they from?
- (24) A **Bank of America.**
- (25) Q The checks you were writing, who was

I

(1) Pratik Patel

(2) the owner of those checks?

(3) MR. KADOCHNIKOV: Objection to form.

(4) A The company.

(5) Q Was the owner of those checks, Halal
(6) Chicken And Rice Company or somebody else?

(7) A It was registered under Halal Chicken
(8) And Rice Company. Yes, it was owned by the Halal
(9) Chicken And Rice Company.

(10) Q You signed those checks for the food
(11) inventory on behalf of Halal Chicken And Rice
(12) Company; is that correct?

(13) A Yes.

(14) Q At any point, did you have access to
(15) the actual bank records for Halal Chicken And Rice
(16) Company during the time you worked there from
(17) December 2017 to December 2019?

(18) A Can you rephrase the question,
(19) please?

(20) MR. WALIA: Sure.

(21) Q At any time, did you have access to
(22) the bank account, the banking statements, the
(23) credit balance for the checking account for the
(24) Halal Chicken And Rice Company?

(25) A I would say at the end of the month,

(1) **P. PATEL**

(2) Q. Would one of those other
(3) people, who would share in those tips, be
(4) you?

(5) A. Yes.

(6) Q. Okay. All right. In terms of
(7) hiring Mr. Hussein, who did that?

(8) A. I think he was working for the
(9) older employer and we -- we kept him but I
(10) didn't -- I didn't do any hiring process
(11) with him or talking to him, like he was to
(12) keep working.

(13) Q. Were there other employees that
(14) you did hire while you were employed with
(15) Pan King, Inc.?

(16) A. That is only one person I hire
(17) while I was working there.

(18) Q. And what is his name?

(19) A. I forgot his name, yeah.

(20) Q. If I said to you his name
(21) was -- let's see. Mr. Rehman, would that
(22) help refresh your recollection?

(23) A. Yes, yeah.

(24) Q. So, you hired Mr. Rehman; is
(25) that correct?

(1)

P. PATEL

(2)

register.

(3)

Q. Okay. But mostly it would be

(4)

you; correct?

(5)

A. Yes.

(6)

Q. Okay. And the person cashing

(7)

out from that register at the end of the

(8)

shift, would that be Mr. Hussein or would

(9)

that be you?

(10)

A. No, me.

(11)

Q. Okay. Did Mr. Hussein ever

(12)

cash out the register?

(13)

A. I don't remember.

(14)

Q. Did he have authority to cash

(15)

out the register?

(16)

A. I guess not.

(17)

Q. Okay. Were you managing

(18)

Mr. Hussein, while you were employed there,

(19)

meaning telling him what hours he should

(20)

come, setting a schedule for him, telling

(21)

him what to do, in terms of how much

(22)

quantity of, let's say, chicken needed to

(23)

be grilled, things like that?

(24)

A. Sometime, yes.

(25)

Q. Okay. Well, while you were

- (1) P. PATEL
- (2) was there ever a time where you took cash
- (3) from Pan King, Inc. to compensate yourself
- (4) for your employment?
- (5) A. Took cash by myself, no.
- (6) Q. Was there ever a time that you
- (7) were given cash to compensate you for your
- (8) employment during the first five months?
- (9) A. During the first five months,
- (10) no. Hold up. Can you repeat the question?
- (11) THE REPORTER: Would you like
- (12) me to read it?
- (13) MR. WALIA: Yes, you can read
- (14) it.
- (15) (Whereupon, the referred to
- (16) question was read back by the
- (17) Reporter.)
- (18) A. Yes.
- (19) Q. When for the first time did you
- (20) get cash to compensate you for your
- (21) employment with Pan King, Inc.?
- (22) A. I do remember very first three
- (23) months, I didn't get a salary at all. And
- (24) then, it started between four months, maybe
- (25) first or second week. I don't exactly

(1) P. PATEL

(2) remember.

(3) Q. Okay. In the fourth month,
(4) when you first started getting cash as a
(5) form of compensation, who gave you that
(6) cash?

(7) A. Let me make clear. I was
(8) getting some --

(9) Q. You broke up. I couldn't hear
(10) you, if you could repeat.

(11) A. Okay. Let me clear one thing.
(12) So, I was getting cash and check and it was
(13) handed by Arjun Singh.

(14) Q. Okay. And that was only in the
(15) fourth month of your employment?

(16) A. Yes.

(17) Q. The check you were getting, was
(18) that because you were a W-2 employee of Pan
(19) King, Inc. or something else?

(20) A. I was a W-2 employee.

(21) Q. What was your salary as a W-2
(22) employee?

(23) A. When this started, the salary I
(24) was getting, around 400. It was -- okay,
(25) not around 400. It was 400. And then, a

- (1) P. PATEL
- (2) week; correct?
- (3) A. Yes.
- (4) Q. And you knew what the minimum
- (5) wage was at that time; correct?
- (6) A. Yes.
- (7) Q. And you calculated, given the
- (8) number of hours, what his minimum wage
- (9) should be; correct?
- (10) A. Yes.
- (11) Q. Now, you knew the number of
- (12) hours that you were working at that time;
- (13) correct?
- (14) A. Yes.
- (15) Q. You had possession of your
- (16) schedule; correct?
- (17) A. Yes.
- (18) Q. You knew what the minimum wage
- (19) was required in terms of the time you were
- (20) employed there; correct?
- (21) A. Yes.
- (22) Q. Were you given minimum wage
- (23) during the course of your employment?
- (24) A. I have to calculate, because I
- (25) guess not, because as a contract, I had to

(1) P. PATEL

(2) do a 48 minimum hours, but I was always
(3) working more than that, around 60 hours, at
(4) least.

(5) Q. You said you guess not. You
(6) still don't know?

(7) A. No, no. Okay. Sometimes I use
(8) different words. But yes, I do know I was
(9) getting less money.

(10) Okay. Let me fix my sentence.
(11) I mean, I was getting less money what I was
(12) supposed to get. But, as we discussed,
(13) they give me -- they give me a decent
(14) salary.

(15) So, like I asked them to give
(16) me money, and they like give me \$400 every
(17) week and compared to I work 60 -- around
(18) 60 hours, if you divide that 60 hours in
(19) salary, it is not a minimum wage, but they
(20) said very, very first, beginning, we are
(21) not making the money, so let's continue
(22) this amount, and we'll increase the salary
(23) later on, when we started doing, but it has
(24) been quite a few months and I wasn't -- I
(25) was paying my bills out of that money, and

(1) P. PATEL

(2) I could not afford working like 60 hours
(3) and not having money, or I could barely get
(4) my expenses out of \$400 a week.

(5) So, I went back again and
(6) talked to them and they increase to 550.
(7) But still that was not enough. That was
(8) not minimum wage.

(9) Q. So, if I understand you
(10) correctly, Mr. Patel, what you're saying
(11) is, that according to the agreement you
(12) signed, you were supposed to work 48 hours?

(13) A. Right.

(14) Q. So, as per the agreement for
(15) the 48 hours, the amount of compensation
(16) you were given, would that have covered the
(17) minimum wage requirements?

(18) A. I have to calculate.

(19) Q. Okay. It is possible it did?

(20) A. Yes.

(21) Q. Okay. However, what you're
(22) telling us is that you worked beyond the
(23) 48 hours, to about 60 hours; correct?

(24) A. Yes.

(25) Q. And, taking those additional

- (1) **P. PATEL**
- (2) **remember. But, if cash is required, then I**
- (3) **took from the register.**
- (4) Q. Okay. Do you see the 8/19/2019
- (5) text you sent to Arjun Singh?
- (6) **A. Yes.**
- (7) Q. That text states, and correct
- (8) me if I'm wrong: "Sorry Paji. I just
- (9) realized, didn't tell you, you are working
- (10) tomorrow morning too, and I will go get the
- (11) white meat."
- (12) Did you make that text?
- (13) **A. Yes.**
- (14) Q. And you sent it to Arjun Singh?
- (15) **A. Yes.**
- (16) Q. That is a true and accurate
- (17) text that you sent?
- (18) **A. Yes.**
- (19) Q. And his response was: "No
- (20) problem." Is that correct?
- (21) **A. Sorry. You were breaking up.**
- (22) Q. I said his response was "no
- (23) problem." Is that correct?
- (24) **A. Yes.**
- (25) Q. Okay. Do you see, on

- (1) P. PATEL
- (2) 9/17/2019, Arjun Singh is asking you:
- (3) "Pats who's working today and what time?"
- (4) A. Yes.
- (5) Q. Okay. And do you see your
- (6) response?
- (7) A. Yes.
- (8) Q. Ashish 5 and Carlos 4:30?
- (9) A. Yes.
- (10) Q. Okay. And then, you tell him
- (11) to bring a number of items; correct?
- (12) A. Yes.
- (13) Q. "Can you bring Rice-8,
- (14) Sehzan-1, Cumins-1, Yogurt-3." Did you
- (15) send those texts to Arjun Singh?
- (16) A. Yes.
- (17) Q. It goes on, "Pulp-2." His
- (18) response is yes?
- (19) A. Yes.
- (20) Q. Do you see this 10/9/2019 text
- (21) that you sent to Arjun Singh, starting
- (22) with: "I forgot to text you. I'm working
- (23) today. You can have day off?"
- (24) A. Yes.
- (25) Q. Response, "okay."

(1) P. PATEL

(2) stealing?

(3) A. Sorry. Can you repeat your
(4) question, please?

(5) Q. Were there occasions where you
(6) came to know that another employee was
(7) stealing from the register?

(8) A. No, I'm not aware of any of
(9) that.

(10) Q. Was there an occasion where you
(11) were directed to keep an eye on an employee
(12) because he was suspected of stealing?

(13) A. I don't remember.

(14) Q. Did any employee that you know
(15) of steal cash during your shift hours?

(16) A. No.

(17) Q. Did you ever take cash yourself
(18) to compensate yourself for the time that
(19) you worked with Pan King, Inc.?

(20) MR. KADOCHNIKOV: Objection.
(21) You can answer it.

(22) A. No.

(23) Q. What is the answer?

(24) A. No, Alex was saying something.

(25) MR. KADOCHNIKOV: You can

(1) **P. PATEL**

(2) **problem.**

(3) **A. Do you want me to respond?**

(4) Q. No response needed. Look at
(5) this text, 6/10/19, is again to the group
(6) chat.

(7) Your response is: "Actually,
(8) I'm going to India next month. My best
(9) dates are 20th July 28th, 19th July -- 29th
(10) July. Can you check your dates? I'm going
(11) for seven to nine days."

(12) Continuing: "Can you bring hot
(13) sauce stuff tomorrow and make it?" Arjun
(14) Singh's response is "okay."

(15) Are those true and accurate
(16) texts?

(17) **A. Yes.**

(18) Q. On 7/12/19, did you send this
(19) text to Arjun Singh, from Varun? "Hello
(20) Boss, I need my money Friday. Don't try to
(21) play game with me. I am not a fool."

(22) **A. You are breaking up.**

(23) Q. Okay. From Varun: "Hello
(24) Boss, I need my money Friday. Don't try to
(25) play game with me. I am not a fool.

- (1) P. PATEL
- (2) A. Yes.
- (3) Q. Were there occasions when Varun
- (4) was supposed to work but didn't show up for
- (5) work?
- (6) A. As mentioned in the message,
- (7) yes.
- (8) Q. Okay. Eventually Varun was
- (9) paid for the time that he was employed by
- (10) Pan King, Inc.?
- (11) A. Yes.
- (12) Q. Paid in full; correct?
- (13) A. Yes.
- (14) Q. Do you see the text on 7/12/19
- (15) from Noddy Singh?
- (16) "Don't text him after this.
- (17) Pay him on Friday and make sure he signs
- (18) and make a copy of his ID on which write
- (19) paid in full. No balance."
- (20) A. Yes.
- (21) Q. You received that text?
- (22) A. Yes.
- (23) Q. That's a true and accurate
- (24) text?
- (25) A. Yes.

(1) **P. PATEL**

(2) Q. And it continues: "Text him to
(3) bring his ID next week on Friday." And
(4) your response is: "I have his ID."

(5) A. Yes.

(6) MR. KADOCHNIKOV: Bobby, are
(7) you marking these text messages as
(8) exhibits or are you just going to
(9) show them?

(10) MR. WALIA: I can do it either
(11) way. I'm giving the dates. These
(12) are texts that you sent over to me.
(13) That's why I'm giving the dates.

(14) MR. KADOCHNIKOV: That's fine.
(15) I'm just asking.

(16) MR. WALIA: All right.

(17) Q. Okay. Do you see on 8/18/19 --

(18) A. Yes.

(19) Q. You're writing "new schedule,
(20) AJ Wednesday. ND Wednesday, Friday."

(21) A. Yes.

(22) Q. Okay. Continuing, you say:
(23) "One guy stopped by for job named Mohammed.
(24) He need for Monday and Wednesday night. He
(25) request work on grill. He can work on

(1) P. PATEL
(2) grill and can speak English. We should
(3) hire him so we can manage Carlos'
(4) schedule."
(5) The response from Arjun Singh
(6) is: "Talk to him about salary and take
(7) trial." Response: "Okay."
(8) Are those true and accurate
(9) texts?
(10) A. Yes.
(11) Q. Did you, in fact, hire
(12) Mohammed?
(13) A. Actually, I don't remember the
(14) full name. Is Mohammed the full name?
(15) Q. I'm not sure what his full name
(16) is.
(17) A. I only hire one person, Rehman.
(18) Other than, I didn't hire anybody. So, if
(19) his name is Rehman Mohammed, then I did
(20) hire him.
(21) Q. You are the one writing the
(22) texts and you're the one referring to him
(23) as Mohammed; correct?
(24) A. Yes, of course. But it's been
(25) a while. I don't remember if I did hire

(1) **P. PATEL**

(2) **him or not.**

(3) Q. Okay. Do you see, on 9/1/19,
(4) you're texting a schedule, AJ Tuesday,
(5) Wednesday, and ND Tuesday, Friday?

(6) **A. Yes.**

(7) Q. Do you see, on 9/2, you are
(8) texting a schedule again?

(9) **A. Yes.**

(10) Q. Do you see, on 9/2, you are
(11) texting a new schedule, AJ Tuesday,
(12) Wednesday; ND Friday; ND Thursday, as well?

(13) **A. Yes.**

(14) Q. And then, the response from
(15) Noddy Singh is: "Okay, no problem."

(16) And Arjun Singh says: "Needs
(17) two days after."

(18) And you're asking who. Arjun
(19) Singh says Carlos. And then, you respond
(20) "one off, one morning."

(21) Then you're asking them to
(22) bring wings, lettuce; is that right?

(23) **A. Yes.**

(24) Q. So, who would compensate Arjun
(25) Singh and Noddy Singh every time they went

(1) P. PATEL

(2) out to get the supplies for the
(3) corporation?

(4) A. Okay. By compensation, you
(5) mean by the salary?

(6) Q. Correct.

(7) A. Well, no one.

(8) Q. Do you see, on 9/8/19, you're
(9) sending a schedule --

(10) A. Yes.

(11) Q. Okay, 9/8/19, you're sending a
(12) schedule: AJ, Monday, Tuesday; and ND,
(13) Monday.

(14) And then, you're asking should
(15) I mail check for landlord? And then, you
(16) are again saying I need tomato, lettuce,
(17) wings, lemonade.

(18) A. Yes.

(19) Q. And the response is from Arjun
(20) Singh: "No, we'll mail it Monday." And
(21) your response is "okay."

(22) Are those true and accurate
(23) texts?

(24) A. Yes.

(25) Q. Made by you?

(1) P. PATEL

(2) A. Yes.

(3) Q. Do you see, on 9/15/19, you're
(4) sending a text with a schedule? AJ,
(5) Monday; ND, Monday, Friday. And then, AJ
(6) Thursday, as well?

(7) A. Yes.

(8) Q. You are continuing, you're
(9) saying: "Sorry, new schedule. AJ Monday.
(10) ND, Monday, Thursday, Friday.

(11) A. Yes.

(12) Q. Are those true and accurate
(13) texts?

(14) A. Yes.

(15) Q. On 9/22/19 you're sending a
(16) schedule: AJ, Wednesday. ND, Monday,
(17) Friday. And you're telling them we need
(18) korta tomorrow.

(19) A. Yes.

(20) Q. Is that a true and accurate
(21) text that you sent to Arjun Singh and Noddy
(22) Singh?

(23) A. Yes.

(24) Q. On 9/23/19, you're saying that
(25) you have an appointment to talk to Ashish

(1) P. PATEL

(2) to cover.

(3) "He will let me know tomorrow
(4) evening if he can't. I will take day off
(5) Thursday and someone has to cover Thursday.
(6) I'll let you know tomorrow evening around
(7) eight."

(8) Did you send that text?

(9) A. Yes.

(10) Q. Did you ask somebody before
(11) asking for that date?

(12) A. Did I ask somebody? You mean
(13) Arjun Singh or Noddy Singh?

(14) Q. Anybody. Arjun Singh, Noddy
(15) Singh, anyone else in charge over there?

(16) A. I don't remember.

(17) Q. Didn't you just decide to take
(18) this date off on your own because of this
(19) important appointment?

(20) A. Could be possible.

(21) Q. Okay. So, you didn't have to
(22) ask anybody; right? You just rearranged
(23) the schedule yourself, is that what this
(24) text says?

(25) A. If you can see this text,

(1) **P. PATEL**

(2) **particularly, yes.**

(3) Q. On 9/29/19, did you send a
(4) schedule: AJ, Tuesday, Wednesday; ND,
(5) Wednesday, Friday?

(6) **A. Yes.**

(7) Q. And then, you say "text me back
(8) to confirm?"

(9) **A. Yes.**

(10) Q. And both Noddy Singh and Arjun
(11) Singh respond by saying okay?

(12) **A. Yes.**

(13) Q. Did you send a schedule on
(14) 10/6/19?

(15) **A. Yes.**

(16) Q. And it says final schedule;
(17) right?

(18) **A. Yes.**

(19) Q. AJ, Wednesday; ND, Monday,
(20) Friday. Correct?

(21) **A. Yes.**

(22) Q. You sent a schedule, on
(23) 10/20/19, AJ, ten to 4:30; ND, ten to six?

(24) **A. Yes.**

(25) Q. You sent a schedule, on

- (1) P. PATEL
- (2) 10/27/19: AJ, Monday; ND, Wednesday?
- (3) A. Yes.
- (4) Q. And you sent a schedule on
- (5) 11/3/19: AJ, Monday; ND Wednesday?
- (6) A. Yes.
- (7) Q. You sent a schedule on
- (8) 11/10/19: AJ, Tuesday, Friday; ND,
- (9) Wednesday?
- (10) A. Yes.
- (11) Q. You sent a new schedule on
- (12) 11/10/19: AJ, Tuesday; ND, Friday?
- (13) A. Yes.
- (14) Q. You sent a schedule on
- (15) 11/17/19: Monday, AJ; Wednesday, ND?
- (16) A. Yes.
- (17) Q. I'm going to show you another
- (18) document.
- (19) (Whereupon, Counsel shared his
- (20) screen to display a document.)
- (21) Q. Did there come a point in time
- (22) where you stopped working for Pan
- (23) King, Inc.?
- (24) A. Yes.
- (25) Q. And when was that?

(1) **P. PATEL**

(2) **I -- my responsibility? After that I lost**
(3) **you.**

(4) Q. Okay. Wasn't it your
(5) responsibility to keep attendance and
(6) payroll records for the employees who were
(7) working at Pan King, Inc.?

(8) A. As I said, it wasn't decided
(9) but all the documents, we were keeping in
(10) the basement.

(11) Q. In fact, you did keep
(12) attendance and payroll records for
(13) Mr. Hussein; correct?

(14) A. Yes.

(15) Q. Did you keep them for any other
(16) employees?

(17) A. All the employees who -- who's
(18) working.

(19) Q. All the employees who are
(20) working over there, you kept attendance and
(21) payroll records for them?

(22) A. Yes.

(23) Q. And you would put the documents
(24) in that desk drawer that you mentioned
(25) earlier?

(1) P. PATEL

(2) A. Yes.

(3) Q. With respect to the employees

(4) who worked at Pan King, Inc., we spoke

(5) about Mr. Rehman and Mr. Hussein; correct?

(6) A. Yes.

(7) Q. And we also spoke about Carlos;

(8) correct?

(9) A. Yes.

(10) Q. So, did you manage the work

(11) activities of Mr. Rehman?

(12) A. What activities? By telling

(13) what to do?

(14) Q. Yes, saying what to do.

(15) A. Yes. So, since he was working

(16) in the kitchen, like we have to decide when

(17) to cook and how much quantity we have to

(18) cook, and yes.

(19) Q. So, you would tell him how much

(20) you needed cooked; right?

(21) A. Yes.

(22) Q. Did you manage the work

(23) responsibilities of Mr. Hussein?

(24) A. Okay. Hussein -- did I have --

(25) Q. You said it might be the same